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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,649	02/20/2004	Takaharu Ishida	056203.53264US	3459
23911 7590 01/22/2008 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300				
			EXAMINER VANDERHORST, MARIA VICTORIA	
			ART UNIT 4194	PAPER NUMBER
			MAIL DATE 01/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/781,649

Applicant(s)

ISHIDA ET AL.

Examiner

VICTORIA VANDERHORST

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 20040220
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 3, 4, 6-14, 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 2, it recites "a method of providing advertising...". The phrasing should be - the method ...-. Appropriate correction is required.

As to claim 3, the claim recitation is confusing and ambiguous. For examination purposes the examiner interprets the claim as – A method for distributing advertising, wherein a data distribution infrastructure trader receives advertising and transmits said advertising data to a movable body as an advertising receiving medium --.

As to claim 4, it recites “a method for distributing advertising...”. The phrasing should be - the method ...-. Appropriate correction is required. Also it is unclear how the movable body could include a train and a bus. For examination purposes the examiner interprets the claim as –a train or a bus --.

As to claims 6-14, they recite “an on-board advertising system...”. The phrasing should be - the on-board ...-. Appropriate correction is required.

As to claim 9, the claim recitation is confusing and ambiguous. For examination purposes the examiner interprets the claim as – The on-board advertising system displays advertising information to be distributed to the vehicle on the bases of the passenger number operating the vehicle passenger door--.

As to claim 10, the claim recitation is confusing and ambiguous. For examination purposes the examiner interprets the claim as – The on-board advertising system displays advertising information to be distributed to the vehicle on the bases of

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the passenger number operating the vehicle passenger door and the vehicle traveling speed --.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 6,006,159 Schmier et al.

As to claim 1, Schmier discloses a method for providing advertising data in which advertising is collected from an advertiser in a data center and said advertising is provided to an advertising data distribution trader from said data center, said method for providing advertising data, comprising the steps of:

receiving advertising data from an advertiser (Schmier discloses the advertising data that can be received from an advertiser i.e. ice cream shop, flower retail etc Col14, lines 57-67, Col 15, lines 1-17);

storing the received advertising data in a database (Schmier discloses an historical transit data table that contains data about vehicle schedules, routes, stops along with advertisement information, Claims 1 of current reference);

converting said advertising data into a format that is required by an advertising data distribution trader which distributes said advertising data by use of a data converter **(Claim 9 of current reference)**; and

transmitting said converted advertising data to said advertising data distribution trader by use of a data transmission device **(Claims 8 and Claim 10 of current reference)**.

As to claim 2, Schmier teaches a method for providing advertising, wherein information associated with the periphery of a shop of the advertiser is stored in said database in addition to said advertising data **(Col. 11, lines 15-20, Col 14, lines 57-67)**; and

said data converter converts said advertising data and the information associated with the periphery of the shop of the advertiser into a format as required by said advertising data distribution trader **(Schmier implicitly teaches the conversion of data , such as vehicle identification, stops and advertising data related to advertiser's locations where product or services featured in the advertisements can be purchased, into the format of the transit data tables of his system, Col. 4, lines 22-53).**

As to claim 3, Schmier discloses a method for distributing advertising, wherein a data distribution infrastructure trader receives advertising which is requested by an advertiser to a data center as advertising data from said data center in a data format

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requested by the data distribution infrastructure trader itself, and transmits said advertising data to a movable body as an advertising receiving medium (**Claims 8 of current reference**).

As to claim 4, Schmier teaches that a movable body is a movable body of public transportation facilities including a train and a bus (**Col 3, lines 14-20**).

As to claim 5, Schmier discloses an on-board advertising system in which advertising data are received through communication from a data distribution infrastructure trader (**Col. 3, lines 65-67, Col. 4, lines 1-4**), and advertising is displayed in a vehicle on a basis of the thus received advertising information, said on-board advertising system comprising:

an advertising display unit for displaying at least one piece of advertising (**Col. 3, lines 24-29, Col. 5, lines 25-32**).

As to claim 6, Schmier teaches an on-board advertising system is provided with an input button to initiate an in-vehicle announcement, and displaying of said advertising information to be distributed to the vehicle is initiated when said input button is depressed. **(Schmier implicitly discloses how the display of advertisement is distributed to addressable display devices that are mounted in moving transit vehicles. Schmier teaches how his system works to collect data from GPS and passenger load sensor systems, so the central processor processes, storages**

and relays the information to the different display units. Col 5, lines 66-67, Col. 6 lines 1-20. Further more Schmier discloses that any person may inquiry his system using a touch tone phone. Col 6, lines 54-61).

As to claim 7, Schmier discloses about an exit notifying button to be operated by a passenger is depressed, said on-board advertising system receives information on a passenger's wish to exit a bus to thereby initiate the display of said advertising information to be distributed to the vehicle (Schmier discloses in his system that the central processor communicates the transit data table and updates an automatic telephone access system, so any person that wants to have information about the arrival of a vehicle to a determined stop station may inquire the system through a touch tone phone. The mentioned table contains data about vehicle schedules, routes, stops along with local advertisement information related to the location of the stop station, Column 6, line 54-61).

As to claim 8, Schmier discloses an on-board advertising system as claimed in claim 5, further comprising detection means for detecting a position of the host vehicle (Claim 1 of current reference);

wherein said on-board advertising system displays advertising information to be distributed to said host vehicle on the basis of positional information about the host car detected by said detection means and positional information about a shop of an

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advertiser included in said advertising information (**Claims 6 ,7 ,8 of current reference**).

As to claim 9, Schmier discloses an on-board advertising system as claimed in claim 5, wherein said on-board advertising system displays advertising information to be distributed to the vehicle on the basis of the number of operating a passenger door of the vehicle (**Schmier discloses in his system sensors and devices for monitoring passenger ingress and egress from the vehicle** , Figs 2 and 3, Claims 2, 3, 4, 5 of current reference, Col. 8, lines 12-30).

Regarding to claim 10, Schmier discloses advertising information to be distributed to the vehicle on the basis of the number of operating a passenger door of the vehicle (**Figs 2 and 3, Col. 12 lines 54-67, Col. 13 lines 1-10**) and a traveling speed of the vehicle (**Col. 11, lines 35-55, Claim 8**) .

As to claim 11, Schmier teaches an on-board advertising system as claimed in claim 5, wherein information about at least one of arrival time of the host vehicle as a public transportation facility, transfer information, music data, video image data, and picture data is displayed on said advertising display unit if no advertising information from said advertiser is displayed (**Column 2, lines 64-67, Col 3, lines 1-10**) .

As to claim 12, Schmier discloses an on-board advertising system wherein said on-board advertising system is provided with a plurality of advertising display units (**Col 5, lines 36-38**) , and the plurality of advertising display units display the advertising information with a time difference (implicitly Schmier mentions the time difference since the addressable display devices allows direct the various messages to the appropriated display unit, (**Col 6. lines 43-45.**).

As to claim 13, Schmier discloses an on-board advertising system wherein said advertising information to be displayed in the host vehicle is changed according to traveling time zones of the host vehicle (**Col 7, lines 8-19**).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,006,159 Schmier et al in view of PG PUB 20020007306 Granger et al.

As per claim 14, Schmier et al disclose an on-board advertising system as applied above in the rejection of claim 5 under 35 U.S.C 102(b), but Schmier et al do not disclose that the on-board advertising system that further comprises a ticket issuing device capable of issuing tickets including a coupon as desired by a passenger who saw advertising information distributed to the vehicle.

However, Granger et al, teach an on-board advertising system that includes a ticket issuing device capable of issuing tickets including a coupon as desired by a passenger who saw advertising information distributed to the vehicle (**Abstract**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to include in the on-board advertising system of Schmier et al, a ticket issuing device capable of issuing tickets including a coupon as desired by a passenger who saw advertising information distributed to the vehicle, in accordance with the teaching of Granger et al in order to provide information in the way of coupons at a time which is convenient for a person in a intelligent manner, allowing the advertisers to better reach existing and potential customers.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
5. US Patent 5,627,549 discloses a vehicle information system providing information relevant to current vehicle location.

6. US 20030068999 discloses a vehicle information system using wireless technology that can be retrieved from a server to a vehicle passenger.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTORIA VANDERHORST whose telephone number is (571)270-3604. The examiner can normally be reached on Monday through Friday 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Maria Victoria Vanderhorst/

Examiner, Art Unit 4194

/V. V./

./Charles R. Kyle/

Supervisory Patent Examiner, Art Unit 4194

